

The Honorable Philip H. Brandt
Chapter 13
Hearing Date: May 22, 2008
Hearing Time: 9:30 a.m.
Response Due: May 15, 2008

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

In re:)
)
) Bankruptcy Case No. 07-13985
)
LESTER AND KIMBERLEY HENLEY,) **AMENDED OBJECTION TO**
) **CONFIRMATION**
)
Debtors.)
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)
)

THE BUSH SCHOOL, by and through its undersigned attorneys, hereby objects to confirmation of the Amended Chapter 13 Plan submitted by the Debtors. This Objection is supported by the Declaration of Robin E. Bentley ("Bentley Declaration") filed herewith, and the files and records herein. The Objection is based upon the following:

1. The Plan makes no disclosure of, or provision for, the obligations being incurred by the Debtors related to the ongoing enrollment of their daughter at The Bush School. As set forth in the Bentley Declaration, ¶3, the Debtors have been making monthly payments to the Bush School in the amount of \$500 during the course of this bankruptcy proceeding. However, those payments are not provided for in the Debtors' budget. Moreover, the payments are not sufficient to satisfy the tuition obligation being incurred, which after application of financial aid, is \$9,406.59. *Id.* In addition, the Debtors are incurring additional miscellaneous expenses related to their daughter's education, which are

neither addressed in the budget nor being paid on an ongoing basis. *Id.* A summary of the postpetition obligations is set forth in detail in Exhibit A to the Bentley Declaration.

2. The Bush School was not aware of the Debtors' bankruptcy filing until recently, in response to an inquiry regarding the 2008-2009 school year. At that time, the Debtors provided copies of some of the bankruptcy pleadings that had been filed. Bentley Declaration, ¶2. A review of the Debtor's Schedules shows The Bush School is listed as a prepetition creditor in the amount of \$15,000; however, The Bush School was not on the mailing matrix for creditors as of January 30, 2008. It appears a number of other creditors listed on the schedules but not on the mailing matrix may be in the same situation.

3. The Amended Plan as proposed fails to take into consideration the Debtors' continuing obligations to The Bush School, and fails to indicate whether the Debtors intend to continue those obligations beyond the current school year. The postpetition debts that have been incurred must be addressed, and a revised budget must be submitted before any plan can be confirmed.

For the foregoing reasons, The Bush School respectfully objects to confirmation of the Debtors' Amended Chapter 13 Plan.

Dated this 8th day of February, 2008.

KARR TUTTLE CAMPBELL

/s/ Merrilee A. MacLean
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Attorneys for The Bush School